

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
MARTINSBURG

FILED

AUG 1 2007

U.S. DISTRICT COURT
MARTINSBURG, WV 25401

LEVY ROUSE,

Petitioner,

v.

CIVIL ACTION NO. 3:06-cv-67
(BAILEY)

AL HAYNES, et al.,

Respondents.

ORDER ADOPTING REPORT AND RECOMMENDATION

By Standing Order entered on March 24, 2000, this action was referred to United States Magistrate Judge James E. Seibert for submission of a proposed report and a recommendation ["R & R"]. Magistrate Judge Seibert filed his R & R on May 8, 2007 [Doc. 18]. In that filing, the magistrate judge recommended that this Court dismiss the petitioner's case without prejudice.

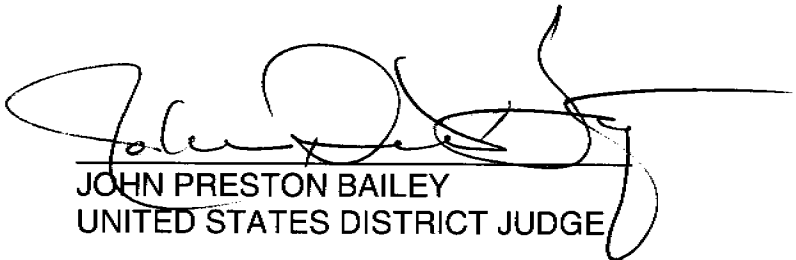
The Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. ***Thomas v. Arn***, 474 U.S. 140, 150 (1985). In addition, failure to file timely objections constitutes a waiver of *de novo* review and the petitioner's right to appeal this Court's Order. 28 U.S.C. § 636(b)(1); ***Snyder v. Ridenour***, 889 F.2d 1363, 1366 (4th Cir. 1989); ***United States v. Schronce***, 727 F.2d 91, 94 (4th Cir. 1984). Here, objections to Magistrate Judge Seibert's R & R were due by May 22, 2007 [Doc. 18], pursuant to 28 U.S.C. § 636(b)(1) and Fed.R.Civ.P. 72(b). No objections have been filed.

Accordingly, the Court hereby adopts the recommendations of Magistrate Judge

Seibert. The Court hereby **DISMISSES without prejudice** the petitioner's case.

The Clerk is directed to mail copies of this Order to all counsel of record and the *pro se* petitioner.

DATED: July 31, 2007.



JOHN PRESTON BAILEY
UNITED STATES DISTRICT JUDGE